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Paper No. 37

**TOWNSEND AND TOWNSEND AND CREW  
TWO EMBARCADERO CENTER  
EIGHTH FLOOR  
SAN FRANCISCO, CA 94111-3834**

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OCT 07 2004

OFFICE OF PETITIONS

In re Application of :  
John P. Anderson et al :  
Application No. 09/471,669 : ON PETITION  
Filed: December 24, 1999 :  
Attorney Docket No. 00228-US-NEW :

This is a decision on the petition under 37 CFR 1.137(b), filed September 21, 2004, to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled “Renewed Petition under 37 CFR 1.137(b).” No additional fee is required with any renewed petition. Petitioner is advised that this is **not** a final agency action decision.

A grantable petition to revive an abandoned application under 37 CFR 1.137(b) must be accompanied by: (1) the required reply (unless previously filed), which may met by the filing of a continuing application in a nonprovisional application abandoned for failure to prosecute, but must be the payment of the issue fee or any outstanding balance thereof in an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)). This petition lacks item (3) above.

**Further correspondence with respect to this matter should be addressed as follows:**

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The Power of Attorney to Prosecute Applications Before the USPTO and the Change of Correspondence Address filed on September 21, 2004 have not been entered since a Change of Address to Customer Number filed on March 31, 2003 has been noted and made of record.

Telephone inquiries concerning this decision should be directed to Wan Laymon at (571) 272-3220.



Wan Laymon  
Petitions Examiner  
Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy